



DOCKET NO.: PUAM-0257

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

**Daniel Kahne, et al.**

**Application No.: 10/631,883**

**Filing Date: July 31, 2003**

**For: GLYCOPEPTIDE ANTIBIOTICS, COMBINATORIAL LIBRARIES OF  
ANTIBIOTICS AND METHODS OF PRODUCING SAME**

**Confirmation No.: Not Yet Assigned**

**Group Art Unit: Not Yet Assigned**

**Examiner: Not Yet Assigned**

DATE OF DEPOSIT: *October 21, 2003*

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*Elizabeth A. McLoud*

TYPED NAME: Elizabeth A. McLoud

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INFORMATION DISCLOSURE STATEMENT**

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of

the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:
  - Certification in Accordance with § 1.97(e) is attached; or
  - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
  - Certification in Accordance with § 1.97(e) is attached;
  - or
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- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

- Copies of references listed on the attached Form PTO-1449 are enclosed herewith
- Copies of references listed on the attached Form PTO 1449 are not required to be submitted pursuant to the June 30, 2003 recent revisions to 37 CFR § 1.98(a)(2)(i).

EXCEPT THAT:

- In view of the voluminous nature of reference 27, and the likelihood that this reference is available to the Examiner, copies are not enclosed herewith.
- In accordance with § 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. § 120 have been made in the instant application:
  - Copies of references **1-60** listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior Application No. **09/353,368**, filed **July 14, 1999**.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

- The relevance of those listed references which are not in the English language is as follows:
- There are no listed references which are not in the English language.

Date: 10/21/03

  
\_\_\_\_\_  
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<b>Form PTO-1449 Modified</b>  List of Patent and Publications Cited by Applicant (Use several sheets if necessary)  U.S. Department of Commerce Patent and Trademark Office	Docket No. PUAM-0257	Application No. 10/631,883
	Applicant Daniel Kahne, et al.	
	Filing Date July 31, 2003	Group Not Yet Assigned
	Confirmation No. Not Yet Assigned	

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

1	Allen, M., et al., "The role of hydrophobic side chains as determinants of antibacterial activity of semisynthetic glycopeptide antibiotics," <i>J. Antibiot.</i> , <b>1997</b> , 50, 677-684
2	Beauregard, D., et al., "Dimerization and membrane anchors in extracellular targeting of vancomycin group antibiotics," <i>Antimicrob. Agents &amp; Chem.</i> , <b>1995</b> , 39, 781-785
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4	Blaakmeer, J., et al., <i>Int. J. Peptide Protein Res.</i> , <b>1991</b> , 27, 556-564
5	Cohen, M., <i>Science</i> , <b>1992</b> , 257, 1050
6	Cooper, R., et al., "Semisynthetic glycopeptide antibiotics," in Ann. Rept. In Med. Chem.-31, <i>Academic Press, Inc.</i> , <b>1996</b> , Chap. 14, 131-140
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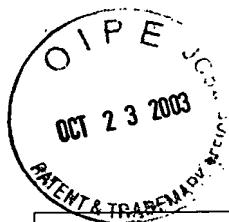


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11	Gerhard, U., et al., "The role of the sugar and chlorine substituents in the dimerization of vancomycin antibiotics," <i>JACS</i> , <b>1993</b> , <i>115</i> , 232-237
12	Gordon, E.M., et al., "Applications of combinatorial technologies to drug discovery, 2. Combinatorial organic synthesis, library screening strategies, and future directions," <i>J. Med. Chem.</i> , <b>1994</b> , <i>37</i> , 1385-1401
13	Kannan R., et al., "Function of the amino sugar and N-terminal amino acid of the antibiotic vancomycin in its complexation with cell wall peptides," <i>JACS</i> , <b>1988</b> , <i>110</i> , 2946-2953
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15	Link, P.A.J., et al., <i>J. Heterocyclic Chem.</i> , <b>1985</b> , <i>22</i> , 873-878
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20	Mercier, R-C., et al., "Pharmacodynamic evaluation of a new glycopeptide, LY333328, and <i>in vitro</i> activity against <i>Staphylococcus aureus</i> and <i>Enterococcus faecium</i> ," <i>Antimicrob. Agents Chemother.</i> , <b>1997</b> , <i>41</i> , 1307-1312

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	<b>21</b>	Mikami, Y., et al., "Comparison of <i>in vitro</i> antifungal activity of itraconazole and hydroxyl-itraconazole by colorimetric MTT assay," <i>MYCOSES</i> , <b>1994</b> , 37, 27-33
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	<b>23</b>	Mosmann, T., "Rapid colorimetric assay for cellular growth and survival; application to proliferation and cytotoxicity assays," <i>J. Immunol. Methods.</i> , <b>1983</b> , 65, 55-63
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	<b>28</b>	Neu, H., <i>Science</i> , <b>1992</b> , 257, 1064
	<b>29</b>	Pankuch, G., et al., "Study of comparative anti-pneumococcal activities of penicillin G, RP 59500, erythromycin, sparfloxacin, and cancomycin by using time-kill methodology," <i>Antimicrob. Agents Chemother.</i> , <b>1994</b> , 38, 2065-2072
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**EXAMINER**
**DATE CONSIDERED**

\* A copy of this reference will not be forwarded to the U.S. Patent and Trademark Office since it is believed to be too voluminous and easily obtainable by the Examiner.



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	<b>32</b>	Prowse, W., et al., <i>Biochemistry</i> , <b>1995</b> , 34, 9632-9644	
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	<b>42</b>	Williams, D.H., "An analysis of the origins of a cooperative binding energy of dimerization," <i>Science</i> , <b>1998</b> , 280, 711-714	
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**U. S. PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Name</b>	<b>Class</b>	<b>Subclass</b>
	<b>45</b>	5,602,229	02/11/97	Malabarba, et al.	530	317
	<b>46</b>	5,668,272	09/16/97	Prasad et al.	536	55.3
	<b>47</b>	5,684,127	11/04/97	Malabarba et al.	530	317
	<b>48</b>	5,750,509	05/12/98	Malabarba et al.	514	11
	<b>49</b>	5,795,958	08/18/98	Rao et al.	530	331
	<b>50</b>	5,837,862	11/17/98	Wong et al.	536	53
	<b>51</b>	5,843,889	12/01/98	Cooper et al.	514	8
	<b>52</b>	6,498,238	12/24/02	Kim et al.	536	16.8
	<b>53</b>	20020045574 A1	04/18/02	Kim et al.	514	8

**FOREIGN PATENT DOCUMENTS**

<b>Examiner Initial</b>		<b>Document No.</b>	<b>Date</b>	<b>Country</b>	<b>Translation</b>	
					<b>YES</b>	<b>NO</b>
	<b>54</b>	WO 00/04044 A1	01/27/00	PCT		
	<b>55</b>	WO 00/42067 A1	07/20/00	PCT		
	<b>56</b>	WO 00/69893 A1	11/23/00	PCT		
	<b>57</b>	WO 01/81373 A2	11/01/01	PCT		
	<b>58</b>	0 802 199 A2	10/22/97	EP		
	<b>59</b>	0 802 199 A3	11/05/97	EP		
	<b>60</b>	0 881 229 A2	12/02/98	EP		

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